

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MARY WISEMAN,)
)
Plaintiff,)
)
v.) NO. 3:10-0250
) Judge Campbell/Bryant
KEITH LIPINSKI, et al.,) Jury Demand
)
Defendants.)

O R D E R

The undersigned Magistrate Judge conducted a telephone case management conference with counsel for the parties on December 7, 2010.

During this conference, counsel for the plaintiff reported that plaintiff is considering, but has not definitely decided to proceed with, major neck surgery in treatment of injuries allegedly suffered in the accident giving rise to this case. Counsel for defendants, having filed a motion for an independent medical exam pursuant to Rule 35 of the Federal Rules of Civil Procedure, stated that he did not wish to proceed with the independent medical exam if plaintiff intends to seek surgical treatment before trial.

Counsel further reported that several fact depositions, including those of the parties, have not yet been taken or scheduled.

From discussions with counsel for the parties, and mindful that the case is not currently set for trial, the undersigned Magistrate Judge **ORDERS** as follows:

1. On or before **Monday, January 17, 2011**, plaintiff shall advise her counsel whether she intends to undergo surgical treatment prior to trial in this case.

2. Counsel for the parties shall confer and file on or before **Monday, January 31, 2011**, a proposed revised case management order containing deadlines governing the progress of this case toward trial.

3. Counsel for plaintiff shall return to defense counsel all copies of expert witness reports served to date, and these reports shall be deemed withdrawn and not subject to use for any purpose in this case. Counsel for plaintiff shall not disclose to any person employed as a plaintiff's expert witness any opinion expressed in such withdrawn reports.

4. Defendants' motion for independent medical examination (Docket Entry No. 21) is **DENIED** without prejudice to defendants' right to file a similar motion after plaintiff determines whether she intends to seek surgical treatment for injuries allegedly sustained in the subject accident.

It is so **ORDERED**.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge